

4 September 2019



Otago Regional Council
Private Bag 1954
Dunedin 9054

Gallaway Cook Allan Lawyers Dunedin
123 Vogel Street
PO Box 143
Dunedin 9054, New Zealand
Phone 03 477 7312
Fax 03 477 5564

By Email: alexandra.king@orc.govt.nz

Gallaway Cook Allan Lawyers Wanaka
24 Dunganon Street
PO Box 450
Wanaka 9343, New Zealand
Phone 03 443 0044
Fax 03 443 6651

Dear Alex

CRIFFEL WATER LIMITED – RM16.093.01 – AMENDMENT OF APPLICATION IN RESPONSE TO SUBMISSIONS AND PRE-HEARING MEETING

- Further to the discussions that took place at the pre hearing meeting for the above application on 30 August 2019, Criffel Water Limited wishes to amend the above water permit application as follows:

	Original Application		Amended application as of 4 Sept 2019	
Primary allocation take rate	601.8l/s		358l/s	
Water use	Irrigation, hydro and stockwater		Irrigation, stock and domestic supply	
Supplementary allocation take rate	Nil		250l/s	
Primary allocation Volume for Irrigation	Annual	18,978,000m ³	Irrigation Season	4,570,995m ³
			Monthly	847,180m ³
Primary Allocation Minimum Flow	180l/s		180l/s	
Supplementary Allocation Volume for Irrigation	N/A		Annual	2,899,890m ³
Supplementary Minimum flow	N/A		788l/s or equivalent to Primary allocation (CWL + LM/LIC (equal to or less than 180l/s) + 250l/s	
Residual flow below the weir	50l/s		90l/s	
Flow sharing	Not offered		Offered	
Irrigation Command Area	1500ha		Primary allocation – 620ha Supplementary allocation – 400ha Total: 1019ha	
Irrigation Area	1287ha		1019ha	
Stockwater / Domestic Supply	3,500,000m ³		Section 14	
Review condition	Standard		Standard plus review if Weir upgraded in a way that affects leakage and potential provision of residual flows.	

Term	35 years	25 years
-------------	----------	----------

2. Criffel Water Limited make the above amendments to this application on the basis that:
- The applications filed by Luggate Irrigation Company and Lake Mckay Station (together referred to as "LIC") will be considered on the same basis i.e. the primary allocation calculation will be done based on efficient use of existing irrigation. In the case of LIC this would result in no more than 180 litres per second of primary allocation and total primary allocation of 538l/s for the catchment (relative to existing face value of the deemed permits being approximately 1000l/s); and
 - That CWL's application is first in time and so has "first in, first served" priority over LIC's application to the first block of supplementary allocation. CWL's application must be decided before LIC's application. That is the only basis on which the ORC can be correct that CWL is not affected by LIC's application.
3. If LIC's application is treated differently by the Council determining that the primary allocation for the catchment exceeds 538 l/s, the consequences for CWL would be significant in terms of reduced reliability of supply, such that the amended proposal for 358l/s of primary allocation would not be sustainable for Criffel Water Limited. As such it would continue to pursue the application on similar terms as applied for, but subject to the amendments that have previously been discussed with Council and Aukaha as a submitter those being:

	Amendments if Primary allocation not set at 538l/s	
Primary allocation take rate	590l/s	
Water use	Irrigation and stock and domestic supply	
Supplementary allocation take rate	Nil	
Primary allocation Volume for Irrigation	Irrigation Season	7,964,400m ³
	Monthly	1,444,250m ³
Primary Allocation Minimum Flow	180l/s	
Supplementary Allocation Volume for Irrigation	N/A	
Supplementary Minimum flow	N/A	
Residual flow below the weir	90l/s	
Flow sharing	Offered	
Irrigation Command Area	1400ha	
Irrigation Area	1100ha	
Stockwater / Domestic Supply	Section 14	
Review condition	Standard plus review if Weir upgraded in a way that affects leakage and potentially provision of residual flows.	
Term	25 years	

4. Attached with this letter are the following documents which support the amended application as of 3 September 2019:
 - (a) Updated Hydrograph showing the effect of the Criffel Water amended application of 3 September 2019 on the flows at the Luggate Creek minimum flow site (this assumes 538l/s of primary allocation between CWL and LIC and CWL having 250l/s of supplementary allocation);
 - (b) Revised assessment of water requirements for CWL's revised irrigation area, separated in to existing spray irrigation and proposed future irrigation areas.
 - (c) Draft conditions of consent as at 3 September 2019 – noting that these are still being worked on by CWL, particularly with respect to flow sharing and proposed upgrade requirements. These conditions relate to the amended application as at 4 September set out on Page 1
5. If you have any questions or wish to discuss this further please do not hesitate to contact us.

Yours faithfully

GALLAWAY COOK ALLAN



Bridget Irving
Partner (Dunedin)

Email: bridget.irving@gallawaycookallan.co.nz